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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 4100 of 2004

Between:

K.Agamma @ Archana W/o.Ramulu R/o.Bompally, Doma Mandal, Ranga Reddy District

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Civil Supplies Department rep.by its Secretary, Secretariat, Hyderabad.
2 The Special Grade Deputy Collector and Revenue Divisional Officer, Chevella Division, Athapur, Rajendranagar Road,
Rangareddy District.
3 The Mandal Revenue Officer, Doma Mandal, Rangareddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction, more particularly one in the nature of writ of mandamus directing the respondents more particularly the 2nd and 3rd respondents to take further steps in pursuance of the Memo dated 20-2-2004 allowing the petitioner to comply with the conditions apart from issuing necessary certificates as required, by the 2nd and 3rd respondents besides declaring the high handed illegal action on ;the part of the 2nd and 3rd respondents is totally abuse of process of law and violative of Article 14 and 21 of the Constitution of India.

Counsel for the Petitioner:MR.A.SATYA PRASAD

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

CONTEMPT CASE NO : 779 of 2004

Contempt Case U/s. 10 to 12 of Contempt of Courts Act to punish the Respondents herein for violating, disobeying the Order of the High Court dated 15.03.2004 passed in WPMP No. 5378 of 2004 in WP No. 4100 of 2004.

Between:

K. Agamma @ Archana, W/o Ramulu,
R/o Bompally, doma (M),
R.R.Dist.

..... PETITIONER

AND

1 P. Vittal,
The Sepcial Grade Dy. Collector & Revenue Divisional Officer Chevella Division,
Athapur, Rajendranagar Rd., R.R.Dist.
2 Vidyavathi,
The Mandal Revenue Officer, Doma (M),
R.R.Dist.

.....RESPONDENTS

Counsel for the Petitioner:MR.V.AJAYAKUMAR

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court made the following COMMON ORDER:-

Heard both the learned counsel. Since both the matters are connected, they are taken up for disposal at their request.

In the writ petition, the petitioner sought for writ of Mandamus directing respondents 2 and 3 to take further steps in pursuance of the proceedings dated 20-2-2004 allowing the petitioner to comply with the conditions, apart from issuing necessary certificates as required and also to declare the high-handed action of respondents 2 and 3 in not permitting the petitioner to comply with the requirements as illegal.

The case of the petitioner, in brief, is that in spite of the proceedings dated 20-2-2004 appointing her as Fair Price Shop Dealer for Bompally village, Doma Mandal, Ranga Reddy District and completing the formalities, the petitioner was called upon to comply the conditions within 15 days. In spite of the fact that the petitioner had complied the conditions, neither the certificate was given nor the petitioner was permitted to run the business. It is the case of the petitioner that she complied all the formalities and that whenever the petitioner visited the respondents, they are asking to return back the proceedings issued in her favour appointing her as Fair Price Shop Dealer. Hence this writ petition.

Pending writ petition, this Court granted interim directions in W.P.M.P.No.5378 of 2004 dated 5-3-2004 directing the respondents to continue the petitioner as Fair Price Shop Dealer by allowing her to comply the conditions as required in pursuance of the order dated 20-2-2004, if the said order is not already cancelled. Subsequent to the said interim directions, the petitioner filed Contempt Case No.779 of 2004 for non-compliance of the interim orders by the respondents. In spite of her visiting the respondents, the respondents are not giving necessary certificate and therefore, the petitioner could not comply with the conditions. The respondents are

bent up to take back the letter of her appointment as Fair Price Shop Dealer.

In the counter-affidavit filed on behalf of the respondents, it is stated that as per the original proceedings dated 20-2-2004, the petitioner has to comply the conditions contemplated therein i.e., production of various certificates, deposits, bonds, affidavits etc., within 15 days so that the petitioner will be issued authorization for lifting the stocks. But the petitioner failed to make an application and to submit the documents within the stipulated time. She has not made any deposits nor given any Demand Drafts for Rs. 5,000/- and Rs. 3,000/- as stipulated in the letter of appointment. Therefore, the petitioner is not entitled to any indulgence.

Having heard the submissions made on either side and on perusal of the material on record, it is seen that it is not the case of the petitioner that she has made any attempts to obtain Demand drafts for the required amount, to produce the certificates or affidavits as sought for. Having failed to comply the mandatory conditions, the petitioner is not entitled to any benefit under the letter of appointment. Hence, I do not find any merit in the writ petition and also find that no violation of the interim orders granted by this Court on the part of the respondents.

Accordingly, the writ petition as well as contempt case are dismissed.

27—08—2004.

Stv/-

Copy to

1. The Government of Andhra Pradesh, Civil Supplies Department, Rep. by its Secretary, Secretariat, Hyderabad.
2. P.Vittal, The Special Grade Deputy Collector and Revenue Divisional Officer, Chevella Division, Athapur, Rahendranagar road, R.R.Distr.
3. Vidyavathi, The Mandal Revenue Officer, Doma Mandal, R.R.District.
4. Two C.Cs. to the Government Pleader for Civil Supplies, High Court of Andhra Pradesh, Hyderabad (OUT).

5. Two CD copies.